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06/03/2004

EXAMINER

ROCHE, TRENTON J

ART UNIT	PAPER NUMBER
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2124

4

DATE MAILED: 06/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/836,333

Applicant(s)

YOO, CHANG-WOONG

Examiner

Trent J Roche

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 18 April 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 2.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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### DETAILED ACTION

1. Claims 1-28 have been examined.

#### *Priority*

2. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in Application No. 09/836,333, filed on 18 April 2001.

#### *Information Disclosure Statement*

3. The information disclosure statement (IDS) submitted on 18 April 2001 has been considered, however, foreign patent documents KR1999-48136 and JP9-305381 have not been considered as no translation of any part of the document has been provided.

#### *Claim Rejections - 35 USC § 102*

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1, 3-5, 10 and 11 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 6,075,862 to Yoshida et al, hereafter referred to as Yoshida.

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**Regarding claim 1:**

Yoshida teaches:

- a computer system comprising a first data storage unit storing a first program and a second program (“a computer usable medium having computer readable program code...software to be installed into said computer, the computer readable program code means including: first computer readable program code means...second computer readable program code means...” in col. 3 lines 38-47)
- a second data storage unit storing a product key of the first program according to the second program, the product key accommodating an installation of the first program (Note Figure 1, item 13 and the corresponding sections of the disclosure. The decryption key is a key associated with the installed product, and as such is a product key.)
- a third program stored in the first data storage unit for reinstalling the first program, the third program reading the product key of the first program stored in the second data storage unit, when a product key from the third program and the product key stored in the second data storage unit are identical (“such that the decryption key stored in the memory device is utilizable in decrypting the encrypted software at a time of re-installing the encrypted software” in col. 4 lines 13-15. Further, this is performed by the “decryption key retrieval program” as stated in col. 6 line 27. Finally, this reinstallation occurs “when the appropriate decryption key exists in the decryption key memory unit...” as stated in col. 11 lines 59-60)

substantially as claimed.

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**Regarding claim 3:**

The rejection of claim 1 is incorporated, and further, Yoshida discloses a first data storage unit comprising a first unit storing the first program, and a second unit storing the third program as claimed (Note Figure 1, items 12 and 13 and the corresponding sections of the disclosure)

**Regarding claim 4:**

The rejection of claim 3 is incorporated, and further, Yoshida discloses the second program being stored in the first unit or the second unit as claimed (Note Figure 7 and the corresponding sections of the disclosure. The decryption key management system includes the decryption key storing program, as stated in col. 7 line 66 to col. 8 line 3)

**Regarding claim 5:**

The rejection of claim 3 is incorporated, and further, Yoshida discloses the second unit being a re-writable magnetic disk storage device or an optical storage device as claimed (“The storage medium may include...magneto-optical disks...magnetic or optical cards, or any other suitable media...” in col. 12 lines 52-56)

**Regarding claim 10:**

The rejection of claim 1 is incorporated, and further, Yoshida discloses the second program being installed in a hard disk drive storing the first program and application programs as claimed (Note Figure 7 and the corresponding sections of the disclosure. The decryption key management system includes the decryption key storing program, as stated in col. 7 line 66 to col. 8 line 3)

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**Regarding claim 11:**

The rejection of claim 1 is incorporated, and further, Yoshida discloses erasing the second program when the product key is stored in the second data storage unit as claimed ("the software content of this software is deleted...while the corresponding software ID and decryption key are maintained..." in col. 9 lines 1-4)

*Claim Rejections - 35 USC § 103*

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 6, 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,075,862 to Yoshida et al, hereafter referred to as Yoshida in view of the Microsoft Press Computer Dictionary, Second Edition.

**Regarding claim 6:**

The rejection of claim 1 is incorporated, and further, Yoshida does not disclose the product key being a bar code-readable signal. The Microsoft Press Computer Dictionary, Second Edition discloses that bar code-readable signals were well known in the art at the time, as disclosed on page 37 of the dictionary. It would have been obvious to one of ordinary skill in the art at the time the invention was made to represent the product key as a bar code-

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readable signal, as this would allow rapid, error-free input of the information as disclosed on page 37 of the dictionary.

**Regarding claim 8:**

The rejection of claim 1 is incorporated, and further, Yoshida discloses that the storage medium may include any suitable media for storing electronic instructions, including RAMs and ROMs and magneto-optical disks. Yoshida does not explicitly disclose the second data storage unit being an extended complementary metal-oxide semiconductor random-access memory. The Microsoft Press Computer Dictionary, Second Edition discloses that the use of CMOS RAM was well known in the art at the time of the invention as disclosed on page 77 of the dictionary. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a CMOS RAM in the system disclosed by Yoshida, for the purpose of storing information while using very low power consumption, as disclosed on page 77 of the dictionary.

**Regarding claim 9:**

The rejection of claim 8 is incorporated, and further, Yoshida does not disclose the extended complementary metal-oxide semiconductor random-access memory having an auxiliary power source. The Microsoft Press Computer Dictionary, Second Edition discloses that the use of CMOS RAM with an auxiliary power source, providing the ability to preserve stored information when power is removed was well known in the art at the time of the invention as disclosed on page 77 of the dictionary (the CMOS RAM is powered by an external battery source). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a CMOS RAM in the system disclosed by Yoshida, for the

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purpose of storing and retaining information while using very low power consumption when power is removed from the system.

8. Claim 7, 15, 17 and 19-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,075,862 to Yoshida et al, hereafter referred to as Yoshida in view of U.S. Patent 6,163,841 to Venkatesan et al, hereafter referred to as Venkatesan.

**Regarding claim 7:**

The rejection of claim 1 is incorporated, and further, Yoshida discloses obtaining a new product key when a product key from the third program and the product key stored in the second data storage unit are not identical (“When the appropriate decryption key does not exist in the decryption key memory unit, the communication program of the installer is executed to carry out the decryption key acquisition processing...” in col. 11 lines 21-24).

Yoshida further discloses “urging the acquisition of the decryption key to the user by means of a screen display of a message...” in col. 11 lines 35-36. Yoshida does not explicitly disclose a user directly inputting the product key into an information input window.

Venkatesan discloses in an analogous product key-based installation system a user directly inputting the product key into an information input window as claimed (“will prompt the user to enter the indicia...the user, in response to this prompt, will then manually enter, typically through a keyboard associated with computer...the specific 25-digit alphanumeric indicia...” in col. 7 lines 58-63). It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow a user to directly input the product key in the system disclosed by Yoshida, as this would allow a user to authenticate and install the software product without the need to contact an external authentication server, in the case of



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a user not being connected with a communication network, as indicated in col. 11 lines 33-39 of Yoshida.

**Regarding claim 15:**

Yoshida teaches:

- initiating an initial install of a first program on a first data storage unit on a computer system (“installing the decrypted software content into the personal computer...” in col. 5 lines 55-56)
- writing the product key onto a second data storage unit of the computer system (“program code means for causing said computer to store the decryption key...into the memory device...” in col. 3 lines 57-59)
- initiating a reinstallation of the first program on the computer system (“utilized in decrypting the encrypted software to be re-installed” in col. 6 lines 10-11)
- reading the product key from the second data storage unit (“The decryption key stored in this decryption key memory unit will be utilized...” in col. 6 lines 9-10)
- comparing the product key read from the second data storage unit with the product key of the first program (“when the appropriate decryption key exists in the decryption key memory unit...” as stated in col. 11 lines 59-60)
- inputting the product key when the product keys are compared to be identical (“when the appropriate decryption key exists in the decryption key memory unit...the installment of the decrypted software content...is carried out by using the decryption key retrieved from the decryption key memory unit...” in col. 11 lines 59-65)

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substantially as claimed. Yoshida does not explicitly disclose inputting the product key of the first program, the product key being used for certifying an authenticity of the first program and accommodating an installation of the first program on the computer system, installing the remainder of the first program after writing the product key, inputting the product key into a product key input window, and continuing to complete the reinstallation of the first program after the product key is inputted into the product key window. Venkatesan discloses in an analogous product key-based installation system inputting a product key for a first program, the product key being used for certifying an authenticity of the first program and accommodating an installation of the first program on the computer system (“will prompt the user to enter the indicia...the user, in response to this prompt, will then manually enter, typically through a keyboard associated with computer...the specific 25-digit alphanumeric indicia...” in col. 7 lines 58-63. Further, “a corresponding indicia which itself is uniquely associated with a given copy of a software product, for purposes of authenticating that particular copy during its installation...this product can be...an operating system...” in col. 5 line 65 to col. 6 line 13). Venkatesan further discloses installing the remainder of the first program after writing the product key, inputting the product key into a product key input window, and continuing to complete the reinstallation of the first program after the product key is inputted into the product key window as claimed (“will prompt the user to enter the indicia...the user, in response to this prompt, will then manually enter, typically through a keyboard associated with computer...the specific 25-digit alphanumeric indicia...” in col. 7 lines 58-63. Further, “If Authentication process successfully authenticates the indicia entered by the user, then this process so informs installation program...which, in turn, continues with the installation process...” in col. 8 lines 7-10). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the

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installation and product key procedures of Venkatesan with the system of Yoshida, as this would prevent illegal installation of software products onto the computer system by requiring the user to pass an authentication step during the installation process.

**Regarding claim 17:**

The rejection of claim 15 is incorporated, and further, Yoshida discloses storing the product key in the second data storage unit being controlled by a second program (“program code means for causing said computer to store the decryption key...into the memory device...” in col. 3 lines 57-59) and erasing the second program when the product key is stored in the second data storage unit as claimed (“the software content of this software is deleted...while the corresponding software ID and decryption key are maintained...” in col. 9 lines 1-4)

**Regarding claim 19:**

The rejection of claim 15 is incorporated, and further, Yoshida discloses having the product key of the first program obtained from a third program accommodating the reinstallation of the first program as claimed (“such that the decryption key stored in the memory device is utilizable in decrypting the encrypted software at a time of re-installing the encrypted software” in col. 4 lines 13-15. Further, this is performed by the “decryption key retrieval program” as stated in col. 6 line 27.)

**Regarding claim 20:**

The rejection of claim 15 is incorporated, and further, Yoshida discloses storing the product key in a specific region of the first data storage unit and the first program continuing to install on the computer system before the step of writing the product key onto a second data

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storage unit, the product key being written from the product key stored on the first data storage unit (“third computer readable program code means for causing said computer to decrypt the encrypted software by using the decryption key...and install a decrypted software content into the memory device; and a forth computer readable program code means for causing said computer to store the decryption key acquired...into the memory device...” in col. 3 lines 51-59. The system inherently stores the key in a temporary location after it receives the key, so that it can decrypt the software. Then the key is saved into memory.)

**Regarding claim 21:**

The rejection of claim 15 is incorporated, and further, Yoshida does not explicitly disclose the first program being an operating system. Venkatesan discloses in an analogous product key-based installation system the installation of an operating system as claimed (“a corresponding indicia which itself is uniquely associated with a given copy of a software product, for purposes of authenticating that particular copy during its installation...this product can be...an operating system...” in col. 5 line 65 to col. 6 line 13). It would have been obvious to one of ordinary skill in the art at the time the invention was made to associate the product key with the installation of an operating system in the system disclosed by Yoshida, for the purposes of authenticating that particular copy during its installation, as stated in col. 5 line 67 to col. 6 line 1 of Venkatesan.

**Regarding claim 22:**

The rejection of claim 15 is incorporated, and further, Yoshida discloses storing the product key in the second data storage unit being controlled by a second program (“program code

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means for causing said computer to store the decryption key...into the memory device...” in col. 3 lines 57-59) the second program being erased after the step of storing the product key (“the software content of this software is deleted...while the corresponding software ID and decryption key are maintained...” in col. 9 lines 1-4) the step of comparing having the product key of the first program obtained from a third program accommodating the reinstallation of the first program as claimed (“such that the decryption key stored in the memory device is utilizable in decrypting the encrypted software at a time of re-installing the encrypted software” in col. 4 lines 13-15)

**Regarding claim 23:**

The rejection of claim 22 is incorporated, and further, note the rejection regarding claim 3.

**Regarding claim 24:**

The rejection of claim 23 is incorporated, and further, note the rejection regarding claim 4.

**Regarding claim 25:**

The rejection of claim 23 is incorporated, and further, note the rejection regarding claim 5.

**Regarding claim 26:**

The rejection of claim 23 is incorporated, and further, note the rejection regarding claim 10.

**Regarding claim 27:**

The rejection of claim 23 is incorporated, and further, note the rejection regarding claim 7.

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9. Claims 12-14, 16, 18 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,075,862 to Yoshida et al, hereafter referred to as Yoshida in view of U.S. Patent 6,163,841 to Venkatesan et al, hereafter referred to as Venkatesan, further in view of the Microsoft Press Computer Dictionary, Second Edition.

**Regarding claim 12:**

Yoshida teaches:

- storing a product key (Note Figure 1, item 13 and the corresponding sections of the disclosure)
- an operating system program for controlling the operations of a computer system (“operated under a prescribed operating system...” in col. 5 line 61)
- a computer system comprising a central processing unit, a main memory, a basic input-output system read only memory, an auxiliary memory storing therein information set up by the basic input-output system read only memory (Note at least Figure 1 and the corresponding sections of the disclosure. Personal Computer 11 inherently contains a BIOS.)
- storing the product key in a product key storage by activating a product key storage program (“program code means for causing said computer to store the decryption key...into the memory device...” in col. 3 lines 57-59)

substantially as claimed. Yoshida does not explicitly disclose the product key being for an operating system. Venkatesan discloses in an analogous product key-based installation system the installation of an operating system which requires entry of a product key as claimed (“a corresponding indicia which itself is uniquely associated with a given copy of a

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software product, for purposes of authenticating that particular copy during its installation...this product can be...an operating system..." in col. 5 line 65 to col. 6 line 13). It would have been obvious to one of ordinary skill in the art at the time the invention was made to associate the product key with the installation of an operating system in the system disclosed by Yoshida, for the purposes of authenticating that particular copy during its installation, as stated in col. 5 line 67 to col. 6 line 1 of Venkatesan.

Further, neither Yoshida nor Venkatesan explicitly disclose the product key comprising a bar code read by a bar code reader. The Microsoft Press Computer Dictionary, Second Edition discloses that bar code-readable signals capable of being read by an optical scanner were well known in the art at the time, as disclosed on page 37 of the dictionary. It would have been obvious to one of ordinary skill in the art at the time the invention was made to represent the product key as a bar code-readable signal, as this would allow rapid, error-free input of the information as disclosed on page 37 of the dictionary.

**Regarding claim 13:**

The rejection of claim 12 is incorporated, and further, note the rejection of claim 7.

**Regarding claim 14:**

The rejection of claim 12 is incorporated, and further, Yoshida discloses the product key storage program being installed in a hard disk drive storing an operating system program and application programs as claimed (Note Figure 7 and the corresponding sections of the disclosure. The decryption key management system includes the decryption key storing program, as stated in col. 7 line 66 to col. 8 line 3)

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**Regarding claim 16:**

The rejection of claim 15 is incorporated, and further, note the rejection of claim 6.

**Regarding claim 18:**

The rejection of claim 15 is incorporated, and further, neither Yoshida nor Venkatesan explicitly disclose initiating a checksum of the specific regions of the second data storage unit having the product key to ascertain whether the read product key is correct. The Microsoft Press Computer Dictionary, Second Edition discloses that the act of comparing checksums to detect errors was well known in the art at the time, as disclosed on page 73 of the dictionary. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a checksum comparison on the product keys, as this would help the user determine whether the storage of the product key was successful.

**Regarding claim 28:**

The rejection of claim 15 is incorporated, and further, neither Yoshida nor Venkatesan explicitly disclose an extended complementary metal-oxide semiconductor random-access memory having an auxiliary power source. The Microsoft Press Computer Dictionary, Second Edition discloses that the use of CMOS RAM with an auxiliary power source, providing the ability to preserve stored information when power is removed was well known in the art at the time of the invention as disclosed on page 77 of the dictionary (the CMOS RAM is powered by an external battery source). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a CMOS RAM in the system disclosed



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by Yoshida modified by Venkatesan, for the purpose of storing and retaining information while using very low power consumption when power is removed from the system.

### *Double Patenting*

10. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

11. Claims 1-5, 7, 8, 10 and 11 are provisionally rejected under the judicially created doctrine of double patenting over claims 11 and 14 of copending Application No. 09/718,371. This is a provisional double patenting rejection since the conflicting claims have not yet been patented.

The subject matter claimed in the instant application is fully disclosed in the referenced copending application and would be covered by any patent granted on that copending application since the referenced copending application and the instant application are claiming common subject matter, as follows:

**Instant claim:**

1  
2  
3

**Copending claim:**

11  
11  
11

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4	11
5	11
7	11
8	11
10	11
11	14

Furthermore, there is no apparent reason why applicant would be prevented from presenting claims corresponding to those of the instant application in the other copending application. See *In re Schneller*, 397 F.2d 350, 158 USPQ 210 (CCPA 1968). See also MPEP § 804.

A later claim that is not patentably distinct from an earlier claim in a commonly owned patent is invalid for obvious-type double patenting. *In re Berg*, 140 F.3d 1428, 1431, 46 USPQ2d 1226, 1229 (Fed. Cir. 1998). A later patent claim is not patentably distinct from an earlier patent claim if the later claim is obvious over, or anticipated by, the earlier claim. *In re Longi*, 759 F.2d at 896, 225 USPQ at 651 (affirming a holding of obviousness-type double patenting because the claims at issue were obvious over claims in four prior art patents); *In re Berg*, 140 F.3d at 1437, 46 USPQ2d at 1233 (Fed. Cir. 1998) (affirming a holding of obviousness-type double patenting where a patent application claim to a genus is anticipated by a patent claim to a species within that genus).

12. Claims 11 and 14 of copending Application No. 09/718,371 as shown below contains every element of claims 1-5, 7, 8, 10 and 11 of the instant application and as such anticipate claims 1-5, 7, 8, 10 and 11 of the instant application.

**Per claim 1:**

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Dependent claim 11 teaches:

- a computer system, comprising a first data storage unit storing a first program and a second program (“said computer system using an operating system program stored on a hard disk in said hard disk drive...executing a key input program stored on said hard disk...”)
- a second data storage unit storing a product key of the first program according to the second program, the product key accommodating an installation of the first program (“product key information corresponding to said operating system program...writing said product key information into a predetermined storage area of said CMOS RAM”)
- a third program stored in the first data storage unit for reinstalling the first program (“executing a recovery program stored in a recovery storage device”)
- the third program reading the product key of the first program stored in the second data storage unit, when a product key from the third program and the product key stored in the second data storage unit are identical (“reading out said product key information from said CMOS RAM with said recovery program is executed; comparing said product key information read out...with product key information stored in said recovery storage device; and automatically inputting the product key information”)

as claimed.

**Regarding claim 2:**

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The rejection of claim 1 is incorporated, and further, copending claim 11 discloses the first program being an operating system as claimed (“using an operating system program”)

**Regarding claim 3:**

The rejection of claim 1 is incorporated, and further, copending claim 11 discloses the first data storage unit comprising a first unit storing the first program and a second unit storing the third program as claimed (“said computer system using an operating system program stored on a hard disk in said hard disk drive...executing a key input program stored on said hard disk...”)

**Regarding claim 4:**

The rejection of claim 3 is incorporated, and further, copending claim 11 discloses the second program being stored in the first unit or the second unit as claimed (“executing a key input program stored on said hard disk...”)

**Regarding claim 5:**

The rejection of claim 3 is incorporated, and further, copending claim 11 discloses the second unit being a re-writable magnetic disk storage device or an optical storage device as claimed (“a hard disk in said hard disk drive”)

**Regarding claim 7:**

The rejection of claim 1 is incorporated, and further, copending claim 11 discloses the third program being provided with an information input window to allow a user to directly input the product key, when a product key from the third program and the product key stored in

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the second data storage unit being not identical as claimed (“product key information being input into a product key input window of a product key input screen...”)

**Regarding claim 8:**

The rejection of claim 1 is incorporated, and further, copending claim 11 discloses an extended complementary metal-oxide semiconductor random-access memory, the second data storage unit being accommodated in the extended complementary metal-oxide semiconductor random-access memory as claimed (“writing said product key information into a predetermined storage area of said CMOS RAM”)

**Regarding claim 10:**

The rejection of claim 1 is incorporated, and further, copending claim 11 discloses the second program being installed in a hard disk drive storing the first program and application programs as claimed (“a key input program stored on said hard disk”)

**Regarding claim 11:**

The rejection of claim 1 is incorporated, and further, copending claim 14 discloses erasing the second program when the product key is stored in the second data storage unit as claimed (“a step of uninstalling said key input program from said hard disk after said storing step”)

13. Claims 6, 9 and 12 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 11 of copending

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Application No. 09/718,371 in view of the Microsoft Press Computer Dictionary, Second Edition.

**Regarding claim 6:**

The rejection of claim 1 is incorporated, and further, copending claim 11 does not explicitly disclose the product key being a bar code-readable signal. The Microsoft Press Computer Dictionary, Second Edition discloses that bar code-readable signals were well known in the art at the time, as disclosed on page 37 of the dictionary. It would have been obvious to one of ordinary skill in the art at the time the invention was made to represent the product key as a bar code-readable signal, as this would allow rapid, error-free input of the information as disclosed on page 37 of the dictionary.

**Regarding claim 9:**

The rejection of claim 1 is incorporated, and further, copending claim 11 does not disclose the extended complementary metal-oxide semiconductor random-access memory having an auxiliary power source. The Microsoft Press Computer Dictionary, Second Edition discloses that the use of CMOS RAM with an auxiliary power source, providing the ability to preserve stored information when power is removed was well known in the art at the time of the invention as disclosed on page 77 of the dictionary (the CMOS RAM is powered by an external battery source). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a CMOS RAM in the method disclosed in copending claim 11, for the purpose of storing and retaining information while using very low power consumption when power is removed from the system.

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**Regarding claim 12:**

Copending claim 11 teaches:

- storing a product key of an operating system program for controlling the operations of a computer system (“product key information corresponding to said operating system program...writing said product key information into a predetermined storage area of said CMOS RAM”)
- the computer system comprising a central processing unit, a main memory, a basic input-output system read only memory, an auxiliary memory storing therein information set up by the basic input-output system read only memory, using the operating system having the product key (“computer system having a central processing unit, at least one hard disk drive, a BIOS RAM, a CMOS RAM...product key information corresponding to said operating system program...”)
- storing the product key in a product key storage by activating a product key storage program (“executing a key input program stored on said hard disk for writing said product key information into a predetermined storage area of said CMOS RAM”)

as claimed. Copending claim 11 does not explicitly disclose an installation process of the operating system, however, the act of manually inputting product key information is well known to occur during installation of a product. Further, copending claim 11 does not explicitly disclose reading the product key comprised of a bar code by a bar code reader. The Microsoft Press Computer Dictionary, Second Edition discloses that bar code-readable signals capable of being read by an optical scanner were well known in the art at the time, as disclosed on page 37 of the dictionary. It would have been obvious to one of ordinary skill in the art at the time the invention was made to represent the product key as a bar code-

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readable signal, as this would allow rapid, error-free input of the information as disclosed on page 37 of the dictionary.

This is a provisional obviousness-type double patenting rejection.

14. Claims 15 and 17 21-27 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 11, 14 and 20 of copending Application No. 09/718,371 in view of U.S. Patent 6,163,841 to Venkatesan et al, hereafter referred to as Venkatesan.

**Instant claim:**

**Copending claim:**

15	11
17	14
18	20
19	11
21	11
22	14
23	11
24	11
25	11
26	11
27	11

This is a provisional obviousness-type double patenting rejection.

**Regarding claim 15:**

Copending claim 11 teaches:

- inputting a product key of the first program (“manually inputting...product key information corresponding to said operating system program”)



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- writing the product key onto a second data storage unit of the computer system (“writing said product key information into a predetermined storage area of said CMOS RAM”)
- initiating a reinstallation of the first program on the computer system (“executing a recovery program stored in a recovery storage device”)
- reading the product key from the second data storage unit, comparing the product key read from the second data storage unit with the product key of the first program, inputting the product key into a product key input window of the first program when the product keys are compared to be identical (“reading out said product key information from said CMOS RAM with said recovery program is executed; comparing said product key information read out...with product key information stored in said recovery storage device; and automatically inputting the product key information”)

as claimed. Copending claim 11 does not explicitly disclose initiating an initial install of a first program, however, the act of manually inputting product key information is well known to occur during installation of a product. Copending claim 11 further does not explicitly disclose the steps of using the product key for certifying an authenticity of a first program and accommodating an installation of the first program, installing the remainder of the first program after writing the product key, and continuing to complete the reinstallation of the first program after the product key is inputted into the product key window. Venkatesan discloses in an analogous product key-based installation system the steps of using the product key for certifying an authenticity of a first program and accommodating an installation of the first program, installing the remainder of the first program after writing

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the product key, and continuing to complete the reinstallation of the first program after the product key is inputted into the product key window as claimed (“a corresponding indicia which itself is uniquely associated with a given copy of a software product, for purposes of authenticating that particular copy during its installation...this product can be...an operating system...” in col. 5 line 65 to col. 6 line 13. Further, “will prompt the user to enter the indicia...the user, in response to this prompt, will then manually enter, typically through a keyboard associated with computer...the specific 25-digit alphanumeric indicia...” in col. 7 lines 58-63. Further, “If Authentication process successfully authenticates the indicia entered by the user, then this process so informs installation program...which, in turn, continues with the installation process...” in col. 8 lines 7-10). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the installation and product key procedures of Venkatesan with the method disclosed in copending claim 11, as this would prevent illegal installation of software products onto the computer system by requiring the user to pass an authentication step during the installation process.

**Regarding claim 17:**

The rejection of claim 15 is incorporated, and further, copending claim 14 discloses erasing the second program when the product key is stored in the second data storage unit as claimed (“a step of uninstalling said key input program from said hard disk after said storing step”)

**Regarding claim 18:**

The rejection of claim 15 is incorporated, and further, copending claim 20 discloses initiating a checksum of the specific regions of the second data storage unit having the product key to

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ascertain whether the read product key is correct (“checking a checksum of said product key information read out from said CMOS RAM”)

**Regarding claim 19:**

The rejection of claim 15 is incorporated, and further, copending claim 11 discloses having the product key of the first program obtained from a third program accommodating the reinstallation of the first program as claimed (“reading out said product key information from said CMOS RAM with said recovery program is executed”)

**Regarding claim 20:**

The rejection of claim 15 is incorporated, and further, copending claim 11 discloses storing the product key in a specific region of the first data storage unit and the first program continuing to install on the computer system before the step of writing the product key onto a second data storage unit, the product key being written from the product key stored on the first data storage unit (“executing a key input program stored on said hard disk for writing said product key information into a predetermined storage area of said CMOS RAM.”)

**Regarding claim 21:**

The rejection of claim 15 is incorporated, and further, copending claim 11 discloses the first program being an operating system as claimed (“using an operating system program”)

**Regarding claim 22:**

The rejection of claim 15 is incorporated, and further, copending claim 14 discloses erasing the second program when the product key is stored in the second data storage unit as

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claimed (“a step of uninstalling said key input program from said hard disk after said storing step”). For the limitations regarding storing the product key in the first data storage unit being controlled by a second program, and having the product key of the first program obtained from a third program accommodating the reinstallation of the first program, note the rejection of claim 15.

**Regarding claim 23:**

The rejection of claim 22 is incorporated, and further, copending claim 11 discloses the first data storage unit comprising a first unit storing the first program and a second unit storing the third program as claimed (“said computer system using an operating system program stored on a hard disk in said hard disk drive...executing a key input program stored on said hard disk...”)

**Regarding claim 24:**

The rejection of claim 23 is incorporated, and further, copending claim 11 discloses the second program being stored in the first unit or the second unit as claimed (“executing a key input program stored on said hard disk...”)

**Regarding claim 25:**

The rejection of claim 23 is incorporated, and further, copending claim 11 discloses the second unit being a re-writable magnetic disk storage device or an optical storage device as claimed (“a hard disk in said hard disk drive”)

**Regarding claim 26:**

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The rejection of claim 23 is incorporated, and further, copending claim 11 discloses the second program being installed in a hard disk drive storing the first program and application programs as claimed (“a key input program stored on said hard disk”)

**Regarding claim 27:**

The rejection of claim 23 is incorporated, and further, copending claim 11 discloses the third program being provided with an information input window to allow a user to directly input the product key, when a product key from the third program and the product key stored in the second data storage unit being not identical as claimed (“product key information being input into a product key input window of a product key input screen...”)

15. Claims 16 and 28 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 11 of copending Application No. 09/718,371 in view of in view of U.S. Patent 6,163,841 to Venkatesan et al, hereafter referred to as Venkatesan, further in view of the Microsoft Press Computer Dictionary, Second Edition.

**Regarding claim 16:**

The rejection of claim 15 is incorporated, and further, neither copending claim 11 nor Venkatesan explicitly disclose inputting the product key through a bar code reader. The Microsoft Press Computer Dictionary, Second Edition discloses that bar code-readable signals were well known in the art at the time, as disclosed on page 37 of the dictionary. It would have been obvious to one of ordinary skill in the art at the time the invention was

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made to represent the product key as a bar code-readable signal, as this would allow rapid, error-free input of the information as disclosed on page 37 of the dictionary.

**Regarding claim 28:**

The rejection of claim 15 is incorporated, and further, neither copending claim 11 nor Venkatesan explicitly an extended complementary metal-oxide semiconductor random-access memory having an auxiliary power source. The Microsoft Press Computer Dictionary, Second Edition discloses that the use of CMOS RAM with an auxiliary power source, providing the ability to preserve stored information when power is removed was well known in the art at the time of the invention as disclosed on page 77 of the dictionary (the CMOS RAM is powered by an external battery source). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a CMOS RAM in the method disclosed by copending claim 11 modified by Venkatesan, for the purpose of storing and retaining information while using very low power consumption when power is removed from the system.

This is a provisional obviousness-type double patenting rejection.

***Conclusion***

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Trent J Roche whose telephone number is (703)305-4627.

The examiner can normally be reached on Monday - Friday, 9:00 am - 6:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki can be reached on (703)305-9662. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Trent J Roche  
Examiner  
Art Unit 2124

TJR

*Kakali Chaki*

**KAKALI CHAKI  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100**